

ASSEMBLY BILL

No. 216

Introduced by Assembly Member Bass
(Coauthor: Senator Steinberg)

January 25, 2007

An act to amend Section 56366.10 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 216, as introduced, Bass. Special education: nonpublic, nonsectarian schools.

Existing law requires school districts, county offices of education, and special education local plan areas to comply with state laws that conform to the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing state law requires school districts, county offices of education, and special education local plan areas to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program.

Under existing law, a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs is required to certify in writing to the Superintendent of Public Instruction that it meets specified requirements, including, among others, that pupils have access to the specified educational materials, services, and programs to the extent available at the local educational agency in which the nonpublic school is located.

This bill, instead, would require that the educational materials, services, and programs provided by the nonpublic, nonsectarian school be adopted by the State Board of Education, and be consistent with the pupil's individualized education program.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56366.10 of the Education Code is
2 amended to read:

3 56366.10. In addition to the certification requirements set forth
4 in Sections 56366 and 56366.1, a nonpublic, nonsectarian school
5 that provides special education and related services to an individual
6 with exceptional needs shall certify in writing to the ~~superintendent~~
7 *Superintendent* that it meets all of the following requirements:

8 (a) It will not accept a pupil with exceptional needs if it cannot
9 provide or ensure the provision of the services outlined in the
10 pupil's individualized education program.

11 (b) Pupils have access to the following educational materials,
12 services, and programs ~~to the extent available at the local~~
13 ~~educational agency in which the nonpublic school is located~~
14 *adopted by the Board that are consistent with each pupil's*
15 *individualized education program:*

16 (1) ~~Standards-based State adopted, standards-based, core~~
17 ~~curriculum and the same instructional materials used by the local~~
18 ~~educational agency in which the nonpublic, nonsectarian school~~
19 ~~is located.~~

20 (2) College preparation courses.

21 (3) Extracurricular activities, such as art, sports, music, and
22 academic clubs.

23 (4) Career preparation and vocational training, consistent with
24 transition plans pursuant to state and federal law.

25 (5) Supplemental assistance, including individual academic
26 tutoring, psychological counseling, and career and college
27 counseling.

28 (c) The teachers and staff provide academic instruction and
29 support services to pupils with the goal of integrating pupils into
30 the least restrictive environment pursuant to federal law.

1 (d) The school has and abides by a written policy for pupil
2 discipline which is consistent with state and federal law and
3 regulations.

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